

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VANITY.COM, INC.,

No. C 12-02912 SI

Plaintiff,

**ORDER RE: HEARING ON
DEFENDANT’S MOTION TO DISMISS**

v.

VANITY SHOP OF GRAND FORKS, INC.,

Defendant.

On May 10, 2012, defendant Vanity Shop filed a complaint with the National Arbitration Forum (“NAF”) in accordance with Section 4(a) of the Uniform Domain Name Dispute Resolution Policy (“UDRP”), alleging plaintiff Vanity.com misused its domain name. Dkt. 22-2. On June 5, 2012, before the NAF issued its decision, plaintiff Vanity.com filed a similar complaint with this Court, seeking *inter alia*, declaratory judgment on similar misuse claims against Vanity Shop. Dkt. 22-4. On June 20, 2012, the NAF granted judgment for Vanity Shop and ordered Vanity.com to transfer the disputed domain name to Vanity Shop. Dkt. 22-5. On August 2, 2012, defendant Vanity Shop filed a motion to dismiss for lack of personal jurisdiction or alternatively to transfer venue with this Court.


Both plaintiff and defendant registered their domain names with GoDaddy.com, LLC, the largest registrar with the Internet Corporation for Assigned Names and Numbers (“ICANN”). Dkt. 22-1, 22-6. All ICANN registrants must comply with the UDRP, a private contract between the parties that outlines domain name dispute procedures, and which appears to address Vanity.com’s decision to pursue legal action in this Court *prior to* adjudication of its claims by the NAF: “[t]he mandatory administrative proceeding requirements set forth in Paragraph 4 shall not prevent either you or the complainant from submitting the dispute to a court of competent jurisdiction for independent resolution *before* such

1 mandatory administrative proceeding is commenced or *after* such proceeding is concluded.” UDRP
2 4(k), Dkt. 22-2, 22-6 (emphasis added). Plaintiff Vanity.com filed this action with this Court *during*
3 the NAF administrative proceeding, not “before” or “after” that proceeding, as the UDRP seems to
4 require.

5 Because of its apparent relevance to the disposition of defendant’s pending motions, the Court
6 directs each party to be prepared to discuss the effect of UDRP Section 4(k) on this Court’s jurisdiction
7 and on transfer of venue at the hearing currently scheduled on defendant’s motions on **Friday,**
8 **September 21, 2012, at 9:00 a.m.**

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10 **IT IS SO ORDERED.**

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12 Dated: September 10, 2012

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SUSAN ILLSTON
15 United States District Judge
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